

**SUPREME COURT MINUTES
TUESDAY, APRIL 15, 2008
SAN FRANCISCO, CALIFORNIA**

S070327**PEOPLE v. WILSON (ANDRE
GERALD)**

Time extended to consider modification or rehearing

The time for granting or denying rehearing in the above-entitled case is hereby extended to June 25, 2008, or the date upon which rehearing is either granted or denied, whichever occurs first.

S162162**STEPHEN (JIMMIE) v.
COURT OF APPEAL,
FOURTH APPELLATE
DISTRICT, DIVISION 1**

The application of petitioner for leave to file the petition for writ of mandate is hereby denied.

S162611**WASHINGTON (RODERICK)
v. COURT OF APPEAL,
SECOND APPELLATE
DISTRICT (PEOPLE)**

The application of petitioner for leave to file the petition for writ of mandate is hereby denied.

S160271 A117317 First Appellate District, Div. 1**GOOD (SYLVER DEAN) v.
S.C. (PEOPLE)**

The time for granting or denying review in the above-entitled matter is hereby extended to May 19, 2008.

S160693 F051335 Fifth Appellate District**PEOPLE v. KNOX
(LEONARD)**

The time for granting or denying review in the above-entitled matter is hereby extended to May 20, 2008.

S160956 A119544 First Appellate District, Div. 5 **TUEY (DON HERSHEL) ON H.C.**

The time for granting or denying review in the above-entitled matter is hereby extended to May 20, 2008.

S160973 B204391 Second Appellate District, Div. 8 **SALESIAN SOCIETY v. S.C. (CARDONA)**

The time for granting or denying review in the above-entitled matter is hereby extended to May 20, 2008.

S161003 A112028 First Appellate District, Div. 3 **PEOPLE, EX REL. GALLEGOS (PAUL V.) v. PACIFIC LUMBER COMPANY**

The time for granting or denying review in the above-entitled matter is hereby extended to May 19, 2008.

S161017 B189746 Second Appellate District, Div. 6 **PEOPLE v. ROWANS (GEORGE HARRISON)**

The time for granting or denying review in the above-entitled matter is hereby extended to May 21, 2008.

S161022 G037744 Fourth Appellate District, Div. 3 **PEOPLE v. SANCHEZ (PEDRO JESSE)**

The time for granting or denying review in the above-entitled matter is hereby extended to May 21, 2008.

S161072 B204605 Second Appellate District, Div. 5 **CHAVEZ (ANTONIO MANUEL) ON H.C.**

The time for granting or denying review in the above-entitled matter is hereby extended to May 21, 2008.

S161191 E041341 Fourth Appellate District, Div. 2 **PEOPLE v. PHILLIPS
(MARK)**

The time for granting or denying review in the above-entitled matter is hereby extended to May 22, 2008.

S161197 C052192 Third Appellate District **W. (MATHEW), IN RE**
The time for granting or denying review in the above-entitled matter is hereby extended to May 22, 2008.

S162024 A114647 First Appellate District, Div. 5 **SECURITY NATIONAL
GUARANTY, INC. v.
CALIFORNIA
COMMISSION
CLUB)**
**COASTAL
(SIERRA**

Time extended to grant or deny review

The time for granting review on the court's own motion is hereby extended to May 22, 2008.
(Cal. Rules of Court, rule 8.512 (c)(1).)

S045696 **PEOPLE v. GARCIA (RANDY
EUGENE)**

Extension of time granted

Good cause appearing, and based upon Deputy Attorney General Russell A. Lehman's representation that he anticipates filing the respondent's brief by June 30, 2008, counsel's request for an extension of time in which to file that brief is granted to June 30, 2008. After that date, no further extension is contemplated.

S082776 **PEOPLE v. REED (ENNIS)**

Extension of time granted

Good cause appearing, and based upon counsel Gail Harper's representation that she anticipates filing the appellant's opening brief by January 31, 2009, counsel's request for an extension of time in which to file that brief is granted to June 10, 2008. After that date, only four further extensions totaling about 230 additional days will be granted.

S084996**PEOPLE v. CHHOUN (RUN)**

Extension of time granted

On application of appellant and good cause appearing, it is ordered that the time to serve and file the appellant's opening brief is extended to June 20, 2008.

S089478**PEOPLE v. MAI (HUNG
THANH)**

Extension of time granted

On application of appellant and good cause appearing, it is ordered that the time to serve and file the appellant's opening brief is extended to June 20, 2008.

S090499**PEOPLE v. LIVINGSTON
(DAVID JAMES)**

Extension of time granted

Good cause appearing, and based upon counsel Robert Wayne Gehring's representation that he anticipates filing the appellant's opening brief by July 1, 2008, counsel's request for an extension of time in which to file that brief is granted to June 13, 2008. After that date, only one further extension totaling about 17 additional days is contemplated.

S099549**PEOPLE v. LOPEZ
(MICHAEL AUGUSTINE)**

Extension of time granted

On application of appellant and good cause appearing, it is ordered that the time to serve and file the appellant's opening brief is extended to June 20, 2008.

S103087**PEOPLE v. POST (JOHN
LEVAE)**

Extension of time granted

On application of appellant and good cause appearing, it is ordered that the time to serve and file the appellant's opening brief is extended to June 18, 2008.

S144019**SMITH, JR., (ROBERT LEE)
ON H.C.**

Extension of time granted

Good cause appearing, and based upon counsel Scott F. Kaufmann's representation that he anticipates filing the reply to the informal response to the petition for writ of habeas corpus by mid-September 2008, counsel's request for an extension of time in which to file that document is granted to June 16, 2008. After that date, only two further extensions totaling about 90 additional days are contemplated.

S146472**HOYOS (JAIME ARMANDO)
ON H.C.**

Extension of time granted

Good cause appearing, and based upon counsel Michael R. Snedeker's representation that he anticipates filing the reply to the informal response to the petition for writ of habeas corpus by June 13, 2008, counsel's request for an extension of time in which to file that document is granted to June 13, 2008. After that date, no further extension will be granted.

S149752 C047617/C048799 Third Appellate District**ROBY (CHARLENE J.) v.
MCKESSON HBOC**

Extension of time granted

On application of respondent Charles J. Roby and good cause appearing, it is ordered that the time to serve and file the respondent's reply brief on the merits is extended to May 19, 2008.

S158965**REID (BRIAN) v. GOOGLE,
INC.**

Extension of time granted

On application of appellant and good cause appearing, it is ordered that the time to serve and file the answer brief on the merits is extended to May 27, 2008.

S033149**PEOPLE v. WEAVER
(LATWON)**

Order filed

The order filed on April 10, 2008, is amended to read as follows:

Good cause appearing, and based upon counsel James S. Thomson's representation that he anticipates filing the reply brief by September 10, 2009, counsel's request for an extension of time in which to file that brief is granted to June 9, 2008. After that date, only seven further extensions totaling about 450 additional days will be granted.

The request to set a target date for the filing of a petition for writ of habeas corpus is denied.

B205994Second Appellate District, Div. 6 **RIVERA (ALEX) ON H.C.**

The above-entitled matter, now pending in the Court of Appeal, Second Appellate District, Division Six, is transferred to the Court of Appeal, Third Appellate District.

S161057**CHUN ON DISCIPLINE**

Recommended discipline imposed

It is ordered that TERRIE CHUN, State Bar No. 162139, be suspended from the practice of law for two years, that execution of suspension be stayed, and that she be actually suspended for 90 days and until the State Bar Court grants a motion to terminate her actual suspension pursuant to rule 205 of the Rules of Procedure of the State Bar of California. TERRIE CHUN is also ordered to comply with the conditions of probation, if any, hereinafter imposed by the State Bar Court as a condition for terminating her actual suspension. If TERRIE CHUN is actually suspended for two years or more, she must remain actually suspended until she provides proof to the satisfaction of the State Bar Court of her rehabilitation, fitness to practice and learning and ability in the general law pursuant to standard 1.4(c)(ii) of the Standards for Attorney Sanctions for Professional Misconduct. It is also ordered that TERRIE CHUN take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order or during the period of her actual suspension, whichever is longer. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) TERRIE CHUN is further ordered to comply with rule 9.20 of the California Rules of Court, and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the effective date of this order.* Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

*(See Bus. & Prof. Code, § 6126, subd. (c).)

S161060**HARRIS III ON DISCIPLINE**

Recommended discipline imposed: disbarred

It is hereby ordered that GEORGE ANTHONY HARRIS III, State Bar No. 178771, be disbarred from the practice of law and that his name be stricken from the roll of attorneys. Respondent is also ordered to comply with rule 9.20 of the California Rules of Court, and to perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the date this order is effective.* Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

*(See Bus. & Prof. Code, § 6126, subd. (c).)

S161061**MARQUEZ ON DISCIPLINE**

Recommended discipline imposed

It is ordered that ARTURO A. MARQUEZ, State Bar No. 59704, be suspended from the practice of law for two years and until he provides proof to the satisfaction of the State Bar Court of his rehabilitation, fitness to practice and learning and ability in the general law pursuant to standard 1.4(c)(ii) of the Standards for Attorney Sanctions for Professional Misconduct, that execution of suspension be stayed, and that he be placed on probation for two years on condition that he be actually suspended for 30 days. ARTURO A. MARQUEZ is also ordered to comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed December 19, 2007. It is further ordered that ARTURO A. MARQUEZ take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

S161062**SMITH ON DISCIPLINE**

Recommended discipline imposed

It is ordered that STEVEN RANDALL SMITH, State Bar No. 160549, be suspended from the practice of law for two years and until he has shown proof satisfactory to the State Bar Court of his rehabilitation, fitness to practice, and learning and ability in the general law in accordance with standard 1.4(c)(ii) of the Standards for Attorney Sanctions for Professional Misconduct; that execution of suspension be stayed; and that he be placed on probation for three years on condition that he be actually suspended for thirty days. Respondent is also ordered to comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed on December 10, 2007. It is further ordered that he take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) Costs are awarded

to the State Bar in accordance with Business & Professions Code section 6086.10, and one-third of said costs be paid with membership fees for the years 2009, 2010, and 2011. It is further ordered that if STEVEN SMITH fails to pay any installment of disciplinary costs within the time provided herein or as may be modified by the State Bar Court pursuant to section 6086.10, subdivision (c), the remaining balance of the costs is due and payable immediately unless relief has been granted under the Rules of Procedure of the State Bar of California (Rules Proc. of State Bar, rule 286). The payment of costs is enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

S161063**WITTENBERG ON
DISCIPLINE****Recommended discipline imposed**

It is ordered that DANIEL S. WITTENBERG, State Bar No. 158254, be suspended from the practice of law for one year, that execution of suspension be stayed, and that he be placed on probation for two years on condition that he be actually suspended for 60 days. Respondent is also ordered to comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed on December 21, 2007. It is further ordered that he take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order or during the period of his actual suspension, whichever is longer. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and one-third of said costs be paid with membership fees for the years 2009, 2010, and 2011. It is further ordered that if the respondent fails to pay any installment of disciplinary costs within the time provided herein or as may be modified by the State Bar Court pursuant to section 6086.10, subdivision (c), the remaining balance of the costs is due and payable immediately unless relief has been granted under the Rules of Procedure of the State Bar of California (Rule. Proc. of State Bar, rule 286). The payment of costs is enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

S161064**LEON ON DISCIPLINE****Recommended discipline imposed**

It is ordered that JORGE EDUARDO PORTUGAL LEON, State Bar No. 117055, be suspended from the practice of law for two years, that execution of the suspension be stayed, and that he be placed on probation for three years on conditions including that he be actually suspended for two years and until:

- (1) he has shown proof satisfactory to the State Bar Court of his rehabilitation, fitness to practice and learning and ability in the general law pursuant to standard 1.4(c)(ii) of the Standards for Attorney Sanctions for Professional Misconduct, and

(2) he furnishes satisfactory proof to the State Bar's Office of Probation that he has made the following restitution:

- (1) to Juan Gonzalez in the amount of \$500 plus 10 percent interest per annum from January 1, 1999,
- (2) to Benedicto Mazariegos in the amount of \$4,000 plus 10 percent interest per annum from September 17, 2001,
- (3) to Vitelio Vasquez in the amount of \$3,000 plus 10 percent interest per annum from June 1, 2002,
- (4) to Jose Hernandez Espinoza in the amount of \$3,000 plus 10 percent interest per annum from June 1, 2001,
- (5) to Jose Jilberto Zavala in the amount of \$3,500 plus 10 percent interest per annum from October 1, 2002,
- (6) to William H. Rivas in the amount of \$1,000 plus 10 percent interest per annum from February 24, 2004,
- (7) to Rafael Mendez in the amount of \$2,000 plus 10 percent interest per annum from December 27, 2005,
- (8) to Lidia Romero in the amount of \$1,000 plus 10 percent interest per annum from April 24, 2006, and
- (9) to Edilia Rojas in the amount of \$2,000 plus 10 percent interest per annum from October 1, 1998 (or to the Client Security Fund to the extent of any payment from the fund to Gonzalez, Mazariegos, Vasquez, Espinoza, Zavala, Rivas, Mendez, Romero, and Rojas, plus interest and costs, in accordance with Business and Professions Code section 6140.5).

Any restitution owed to the Client Security Fund is enforceable as provided in Business and Professions Code section 6140.5, subdivision (c) and (d). Credit toward the period of actual suspension will be given for the period of inactive enrollment that commenced on September 4, 2007. JORGE EDUARDO PORTUGAL LEON is further ordered to comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its decision filed on November 1, 2007, as modified by its order filed on December 3, 2007. It is also ordered that JORGE EDUARDO PORTUGAL LEON take and pass the Multistate Professional Responsibility Examination during the period of his actual suspension. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn.8.) JORGE EDUARDO PORTUGAL LEON is further ordered to comply with rule 9.20 of the California Rules of Court, and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the effective date of this order.* Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

*(See Bus. & Prof. Code, § 6126, subd. (c).)

S162415

LAMB ON RESIGNATION

Voluntary resignation accepted

The voluntary resignation of THOMAS J. LAMB, State Bar No. 138563, as a member of the State Bar of California is accepted.

S162583

**LIEBERMAN ON
RESIGNATION**

Voluntary resignation accepted

The voluntary resignation of PAUL LIEBERMAN, State Bar No. 81426, as a member of the State Bar of California is accepted.

S162584

LINDLEY ON RESIGNATION

Voluntary resignation accepted

The voluntary resignation of MARCIA S. LINDLEY, State Bar No. 59670, as a member of the State Bar of California is accepted.

S162585

MAGEE ON RESIGNATION

Voluntary resignation accepted

The voluntary resignation of THOMAS H. MAGEE, State Bar No. 160401, as a member of the State Bar of California is accepted.

S162586

MAISNER ON

RESIGNATION

Voluntary resignation accepted

The voluntary resignation of LINDA JOYCE MAISNER, State Bar No. 74737, as a member of the State Bar of California is accepted.

S162588

**MCGUIRE ON
RESIGNATION**

Voluntary resignation accepted

The voluntary resignation of SHARON R. MCGUIRE, State Bar No. 84213, as a member of the State Bar of California is accepted.

S162590**MURRAY ON RESIGNATION**

Voluntary resignation accepted

The voluntary resignation of DREW D. MURRAY, State Bar No. 205691, as a member of the State Bar of California is accepted.

S162591**MYERS ON RESIGNATION**

Voluntary resignation accepted

The voluntary resignation of PAMELA ROSSANO MYERS, State Bar No. 75273, as a member of the State Bar of California is accepted.

S162592**NAGANO ON RESIGNATION**

Voluntary resignation accepted

The voluntary resignation of WARREN YOSHIO NAGANO, State Bar No. 59787, as a member of the State Bar of California is accepted.

S162593**NELSON ON RESIGNATION**

Voluntary resignation accepted

The voluntary resignation of PAMELA MILLER NELSON, State Bar No. 68218, as a member of the State Bar of California is accepted.

S162595**NEWMAN ON****RESIGNATION**

Voluntary resignation accepted

The voluntary resignation of DARLA P. NEWMAN, State Bar No. 71718, as a member of the State Bar of California is accepted.

S162599**OSBORN ON RESIGNATION**

Voluntary resignation accepted

The voluntary resignation of CHRISTOPHER JOHN OSBORN, State Bar No. 69248, as a member of the State Bar of California is accepted.

S162601

PETERS ON RESIGNATION

Voluntary resignation accepted

The voluntary resignation of COLIN MACLEAN PETERS, State Bar No. 19784, as a member of the State Bar of California is accepted.

S162602

**PINKERMAN-URI ON
RESIGNATION**

Voluntary resignation accepted

The voluntary resignation of CONNIE REDBIRD PINKERMAN-URI, State Bar No. 94666, as a member of the State Bar of California is accepted.

S162604

**PROSNITZ ON
RESIGNATION**

Voluntary resignation accepted

The voluntary resignation of FERN PATRICIA PROSNITZ, State Bar No. 80553, as a member of the State Bar of California is accepted.